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**SF 2289** – Animal Cruelty (LSB 5446SV)

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Fiscal Note Version – New

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**Description**

**Senate File 2289** amends Iowa Code chapter **717B** related to the mistreatment of animals that are not livestock or game animals. The bill creates or amends seven new criminal offenses that include:

- Animal abuse in the first degree is an aggravated misdemeanor and a Class D felony if enhanced.
- Animal abuse in the second degree is a simple misdemeanor and an aggravated misdemeanor if enhanced.
- Animal neglect in the first degree is an aggravated misdemeanor and a Class D felony if enhanced.
- Animal neglect in the second degree is a simple misdemeanor and an aggravated misdemeanor if enhanced.
- Animal torture is a Class D felony and a Class C felony if enhanced.
- Animal abandonment is a simple misdemeanor and a serious misdemeanor if enhanced.
- Animal endangerment is a simple misdemeanor and a serious misdemeanor if enhanced.
- The offense is enhanced when the crime is committed in the presence of a juvenile, the offender has had a similar prior conviction, the act involves injury or interference with a police service dog, the act involves bestiality, or the act involves animal fighting.
- The bill details when a court can order psychological treatment and prohibit a person from owning an animal.

The bill also specifies when a veterinarian can report animal cruelty to local law enforcement, the procedure for rescuing an endangered animal, and a requirement to submit a report to the Department of Human Services if a juvenile has witnessed animal cruelty.

**Background**

Current law includes:

- A conviction of animal abuse is an aggravated misdemeanor.
- A conviction of animal neglect is a simple misdemeanor, but serious injury or death to the animal is a serious misdemeanor.
- A conviction of animal torture in the first offense is an aggravated misdemeanor and a second or subsequent conviction is a class D felony.
- A conviction for animal abandonment is a simple misdemeanor.
- A conviction for abusing a police service dog without inflicting serious injury is a serious misdemeanor.
- A conviction for knowingly and willfully abusing a police service dog, including the death of the animal, is a class D felony.

**Assumptions**

The bill expands animal abuse crimes and will result in an estimated increase of 26 convictions annually. Other assumptions include:

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
- The law will become effective July 1, 2016. A lag effect of six months is assumed from the law's effective date to the date of first entry of affected offenders into the correctional system.
- The analysis assumes that approximately 50% of dismissed charges for crimes against animals become convictions under this provision due to the fact that this bill expands the definition of animal abuse.

### **Summary of Impacts**

**Correctional Impact:** In FY 2015, there were 148 charges and 78 convictions for animal crimes. Convictions included: 13 for animal abuse, 56 for animal neglect, three for animal torture (first offense), and six for animal abandonment. There will be an additional 26 convictions annually under this bill. This includes two offenders ordered to prison, one offender ordered to jail, three offenders ordered to community-based corrections (CBC), and 33 offenders ordered to probation. This bill is expected to increase the prison population by one offender annually. The correctional impact on the State prison system, CBC population, and county jails is expected to be minimal under the provisions of SF 2289.

**Fiscal Impact:** Under current law, and based on the FY 2015 convictions, the estimated costs to the court and corrections system related to reclassification of several animal abuse crimes is between \$55,000 and \$239,000 per year. Under the proposed law, expenditures are estimated between \$131,000 and \$670,000 for an increase of \$76,000 to \$431,000. The midpoint is \$254,000.

### **Simple Misdemeanor**

In FY 2015, there were 42 simple misdemeanor convictions: 36 for animal neglect and six for animal abandonment. The fiscal estimate under this bill is for four simple misdemeanor convictions.

- The cost to the indigent defense fund per simple misdemeanor case is \$300.
- The average cost to the Judicial Branch per simple misdemeanor case is \$30.
- The average state cost for one aggravated misdemeanor conviction ranges from \$30 to \$330. The minimum cost includes court time of a Magistrate or District Associate Judge, court reporter, court attendant, and Clerk of Court staff. The maximum cost includes court time and the costs of indigent defense.

### **Serious Misdemeanor**

In FY 2015, there were 20 serious misdemeanor convictions for animal neglect. The fiscal estimate under this bill is for 75 serious misdemeanor convictions.

- The cost to the indigent defense fund per serious misdemeanor case is \$600.
- The average cost to the Judicial Branch per serious misdemeanor case is \$222.
- The average state cost for one aggravated misdemeanor conviction ranges from \$220 to \$5,800. The minimum cost includes court time of a District Associate Judge or a District Court Judge, court reporter, court attendant, and Clerk of Court staff. The maximum cost includes court time plus costs for indigent defense, state prison, and parole supervision.

### **Aggravated Misdemeanor**

In FY 2015, there were 16 aggravated misdemeanor convictions: 13 for animal abuse and three for animal torture. The fiscal estimate under this bill is for 14 aggravated misdemeanor convictions.

- The cost to the indigent defense fund per aggravated misdemeanor case is \$1,200.

- The average cost to the Judicial Branch per aggravated misdemeanor case is \$222.
- The average state cost for one aggravated misdemeanor conviction ranges from \$3,100 to \$6,800. The minimum cost includes court time of a District Associate Judge or a District Court Judge, court reporter, court attendant, and Clerk of Court staff plus the costs of probation supervision. The maximum cost includes court time and the costs of a jury trial, indigent defense, state prison, and parole supervision.

#### Class D Felony

In FY 2015, there were no Class D felony convictions. It is anticipated that under this bill there will be 10 Class D felony convictions.

- The cost to the indigent defense fund per Class D felony case is \$1,200. The average cost to the Judicial Branch per Class D felony case is \$452.
- The average state cost for one Class D felony conviction ranges from \$6,300 to \$12,000. The minimum average cost includes court time of a District Court Judge, court reporter, court attendant, and Clerk of Court staff plus the costs of indigent defense and probation supervision. The maximum cost includes court time and the costs of a jury trial, indigent defense, state prison, and parole supervision.

#### Class C Felony

In FY 2015, there were no Class C felony convictions. It is anticipated that under this bill there will be one Class C felony conviction.

- The cost to the indigent defense fund per aggravated misdemeanor case is \$1,800.
- The average cost to the Judicial Branch per aggravated misdemeanor case is \$452.
- The average state cost for one Class C felony conviction ranges from \$7,800 to \$18,400. The minimum cost includes court time of a District Court Judge, court reporter, court attendant, and Clerk of Court staff plus the costs of indigent defense and probation supervision. The maximum cost includes court time and the costs of a jury trial, indigent defense, State prison, and parole supervision.

**Minority Impact:** There is no minority impact expected as a result of this bill.

#### Sources

Department Human Rights, Criminal & Juvenile Justice Planning Division  
Department of Agriculture and Land Stewardship

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Holly M. Lyons

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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